

AMHERST BOARD OF HEALTH

REGULATIONS GOVERNING THE LICENSING OF WOOD BURNING DEVICE OPERATORS

Effective October 1, 1986

Section 1: **Purpose**

WHEREAS, the Board of Health finds that the improper use of wood burning devices in residential units is a nuisance which threatens the health of people within the Town of Amherst and

WHEREAS, the Board of Health finds that the improper use of such devices can be reduced by educating occupants of residential units with devices in their proper and safe use, and

WHEREAS, the Board of Health finds that said purpose can most effectively be realized by the licensing of occupants of residential units with devices, said licensing to be based upon a license applicant's familiarity with basic principles of safe and proper wood burning techniques.

THEREFORE, the Board of Health of the Town of Amherst, pursuant to Sections 31 and 31C of Chapter 111 of the Massachusetts General Laws, adopts the following regulations governing the licensing of wood burning device operators, effective October 1, 1986.

Section 2. **Definitions**

- a) **Occupant** shall mean a person residing within a residential unit in which there is an operable wood burning device.
- b) **Residential unit** shall mean a building or portion of building occupied for dwelling purposes.
- c) **Wood burning device** shall mean a wood stove, wood furnace, fireplace insert, or other device used to burn wood to heat a residential unit. An open fireplace shall not be construed as a wood burning device for purposes of these regulations.

Section 3. **Prohibition**

No wood burning device shall be used unless an occupant of the residential unit in which it is situated has been issued a *Wood Burner's License* by the Board of Health pursuant to Section 4 of these Regulations.

Section 4. **Examination and Issuance of License**

A *Wood Burner's License* shall be issued to each Amherst resident who submits a correctly completed wood burning operator examination issued by the Amherst Health Department. Examinations may be received and returned to the Health Department by mail or administered at the Health Department.

Section 5. **Penalties**

Each violation of these Regulations shall be punished, for a first offense, by a fine of not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00), and for subsequent offense(s) by a fine of not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00), levied against any person who uses a wood burning device in violation of Section 3 of these Regulations. For the purposes of this Section, each day, or part thereof, violation of these Regulations or any order or rule of the Board of Health pursuant to these Regulations, whether continuous or intermittent, shall be construed as a separate and succeeding offense.

Section 6. **Appeal**

Any person subject to a finding of violation of these Regulations may appeal such finding by requesting a hearing before the Board of Health. Such appeal must be in writing and filed with the Health Department office within seven (7) days of the receipt of a notice of violation, excluding Saturdays, Sundays, and legal holidays.

Section 7. **Severability**

If any provision of these Regulations is declared invalid or unenforceable, the other provisions shall not be affected thereby but shall continue in full force and effect.